

COUNTY COUNCIL  
BILL "KAIPO" ASING, CHAIR  
JAMES KUNANE TOKIOKA, VICE CHAIR  
JAY TURFARO  
SHAYLENE ISERI CARVALHO  
DARYL W. KANESHIRO  
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**FACSIMILE TRANSMITTAL**

July 25, 2006

TO: Mr. Louis Abrams, Chairperson and  
Members of the Charter Review Commission  
County of Kauai

FAX NO: 808-241-6877

FROM: Bill "Kaipo" Asing, Council Chair

PAGES: 5, including this cover sheet

SUBJECT: Resolution Proposing a Charter Amendment to Restructure the Department of  
Water as an Executive Agency Subject to the Mayor's Executive Management and  
Council's Legislative Oversight

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**MESSAGE:**

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July 21, 2006

Mr. Louis Abrams, Chairperson  
and Members of the Charter Review Commission  
4444 Rice Street  
County of Kauai  
Lihu'e, HI 96766

Dear Mr. Abrams and Members of the Charter Review Commission:

Re: Resolution Proposing a Charter Amendment to Restructure the Department of Water as an Executive Agency Subject to the Mayor's Executive Management and Council's Legislative Oversight

Within the last few weeks, several of our constituents have expressed their concern about the Department of Water and the possibility of changing the semi-autonomous nature of the department to a department under the Mayor's management and Council's legislative oversight. After much thought and consideration, Councilmember Rapozo and I decided to introduce the attached resolution. We would have preferred to bring this issue to the Charter Review Commission. However, being that there is limited time in including this as a possible Charter amendment, we felt that it would be in the best interest of the public to proceed with a resolution as permitted by the County Charter for Charter amendments.

We are truly grateful for the time and effort that all of you have and continue to put into the Charter Review Commission. We look forward to your recommendations and hope that you can assist us in the attached resolution with input and testimony.

Again, thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill 'Kaipo' Asing".

Bill "Kaipo" Asing  
Councilmember

Attachment

COUNTY COUNCIL  
COUNTY OF KAUAI

**Resolution** No. 2006-26

RESOLUTION PROPOSING A CHARTER AMENDMENT TO  
RESTRUCTURE THE DEPARTMENT OF WATER AS AN EXECUTIVE AGENCY  
SUBJECT TO THE MAYOR'S EXECUTIVE MANAGEMENT AND  
COUNCIL'S LEGISLATIVE OVERSIGHT

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BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE  
OF HAWAII:

SECTION 1. Pursuant to Section 24.01 of the Charter of the County of  
Kauai (hereafter "Charter"), the Council hereby resolves to submit the charter  
amendment described in this resolution to the voters at the 2006 general election.

SECTION 2. Article XVII of the Charter is hereby amended to read  
as follows:

"ARTICLE XVII  
DEPARTMENT OF WATER

Section 17.01. Organization. There shall be a department of water supply  
consisting of a board of water supply, manager and chief engineer, and the  
necessary staff.

Section 17.02. Functions of the Department.

A. The department of water supply shall manage, control, and  
operate the waterworks of the county and all property thereof for the purpose  
of supplying water to the public and shall collect, receive, expend, and  
account for all sums of money derived from the operation thereof and all  
other moneys and property provided for the use or benefit of such  
waterworks.

B. The department shall maintain accounts to show its complete  
financial status and the activities of management and operation including  
current projects. It shall submit a written report quarterly to the mayor and  
council on its financial status and operations.

C. The department shall review the State's and County's general  
plans with the department's general plan for water sources and system. The  
department shall transmit such review and plans through the mayor to the  
council. The department's general plan for water resources and system shall  
implement the requirements of the County's general plan.

D. Prepare long-range capital improvements plans and up-to-date  
water use and development plans for review by the board of water supply and  
approval by the council by ordinance.

E. Implement enacted long-range capital improvement plans and water use and development plans.

F. Prepare an annual operating and capital budget for review by the board of water supply and submit the department's request for an annual appropriation to the mayor for submittal to the council as part of the proposed annual budget ordinance.

G. The department may, from time to time, alter, amend, and repeal rules and regulations relating to the management, control, operation, preservation, and protection of the waterworks. Such rules and regulations shall have the force and effect of law. Penalties for the violation of any rule or regulation shall be set forth in the rules and regulations.

H. Perform such other duties and functions as shall be prescribed by law.

[Section 17.02.] Section 17.03. Board of Water Supply Organization. The board of water supply shall consist of seven members, four of whom shall be appointed by the mayor with the approval of the council. The State district engineer of the department of transportation, the county engineer, and the planning director shall be ex-officio voting members of the board. The ex-officio members shall not serve as chair or vice-chair of the board. The board shall hold at least one regular meeting each month. [It shall adopt rules and regulations necessary for the conduct of its business.]

[Section 17.03. Powers and Duties of the Board. The board shall manage, control and operate the waterworks of the county and all property thereof for the purpose of supplying water to the public, and shall collect, receive, expend and account for all sums of money derived from the operation thereof and all other moneys and property provided for the use or benefit of such waterworks.

A. The board shall maintain accounts to show its complete financial status and the activities of management and operation including current projects. It shall submit a written report quarterly to the mayor and council on its financial status and operations.

B. Review the State's and County's general plans with the board's general plan for water sources and system. The board shall transmit such review and plans through the mayor to the council. The board's general plan for water sources and system shall implement the County's general plan.

C. The board may provide for a reserve fund, issue revenue bonds, provide for payment of bonds, expend bond funds and other funds, establish rates and charges, acquire property, sue and be sued and engage in and undertake all other activities as provided for in Chapter 145-A, Revised Laws of Hawai'i 1955, and as may be hereafter provided for by law.

D. The board may make and, from time to time, alter, amend and repeal rules and regulations relating to the management, control, operation, preservation and protection of the waterworks. Such rules and regulations shall have the force and effect of law. Penalties for the violation of any rule or regulation shall be set forth in the rules and regulations.]

Section 17.04. Powers and Duties of the Board. The board shall act as advisor to the Manager and Chief Engineer of the department of water supply, the mayor and the council in all matters concerning the county's water system.

Section [17.04.] 17.05. Staff. The [board] mayor with the approval of the council shall appoint an engineer duly registered under Hawai'i State laws pertaining to registration of engineers. He shall be known as the manager and chief engineer and shall be the head of the department. He shall have had a minimum of five years of training and experience in an engineering position, at least three years of which shall have been in a responsible administrative capacity. [He shall have the powers and duties prescribed by the board.]

Section 17.06. Powers, Duties and Functions of the Manager and Chief Engineer. The manager and chief engineer of the department of water supply shall:

A. Administer the affairs of the department of water supply and be responsible for the day-to-day management and control of all water systems of the county.

B. Perform such other duties and functions as shall be prescribed by law.

Section 17.07. Revenues. The revenues of the department of water supply shall be kept in a separate fund and shall be such as to make the department of water supply self-supporting, provided that the council may issue general obligation bonds on behalf of the department of water supply and may provide capital improvements."

SECTION 3. Material to be deleted is bracketed. New material to be added is underscored. If the voters adopt this amendment, the County Clerk need not show any deletions or underlining for inclusion in the Charter.

SECTION 4. Upon adoption of this Resolution by five or more councilmembers after two readings on separate days, the County Clerk and County Attorney shall take all steps necessary to submit this amendment to the voters.

Introduced by:

*Bill "Kaipo" Asing*  
BILL "KAIPO" ASING

*Mel Rapozo*  
MEL RAPOZO

	Dis	Reg	Enc
Ching			
Furber			
Israel-Cassella			
Kananihale			
Rapozo			
Seikins			
Yukimura			
Total			

### Certificate Of Adoption

We hereby certify that Resolution No. \_\_\_\_\_  
was adopted by the Council of the County of Kauai'i, State of Kauai'i,  
Lihue, Kauai'i, Kauai'i, on \_\_\_\_\_

\_\_\_\_\_  
County Clerk  
Date

\_\_\_\_\_  
Chairman & Presiding Officer